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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,790	12/24/2003	Masanao Yamagishi	2003_1869A	9812
513	7590	06/19/2006	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			PICKETT, JOHN G	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/743,790

Applicant(s)

YAMAGISHI ET AL.

Examiner

Gregory Pickett

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8,9 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8,9 and 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action acknowledges the applicant's amendment filed 4 April 2006. Claims 8, 9, and 12-15 are pending in the application. Claims 1-7, 10, and 11 have been canceled. Claims 14 and 15 are new.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Drawings***

3. The drawings were received on 4 April 2006. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 103***

4. Claims 8, 12, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser et al (US 5,788,068; supplied by applicant; hereinafter Fraser) in view of Marsilio et al (US 2002/0170838 A1; previously provided; hereinafter Marsilio).

Claim 8: Fraser discloses a cover case (see Figure 1) comprising a main body **11/12/13** having a base surface **12**, a receiving table **16**, and outer peripheral edge **12A**; a cover **11**; a support surface **19**; a pair of slit grooves (openings on either side of **15**) defining deflectable arms **15** arranged as claimed; engagement protuberances **20** arranged as claimed; and flexible resin **21**.

Fraser merely lacks the engagement pawls formed from cut-off portions of the engagement protuberances and generally L-shaped in cross-section.

Marsilio teaches engagement pawls **100** formed from cut-off portions of an engagement protuberance **60** and generally L-shaped in cross-section (upwardly extending portion **106**, radially-extending portion **110**) to reduce bending forces experienced by the disk (see for example paragraph [0042]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the engagement protuberances of Fraser with engagement pawls as taught by Marsilio in order to reduce bending forces experienced by the disk.

Claim 12: Fraser discloses the gap (portion containing flexible resin **21**) at the center of engagement member **20**.

Claim 13: Fraser discloses the receiving table **16** at the surface **12** of main body **11/12/13**.

Claim 15: Fraser discloses at least one notch (gaps between portions **12A**) formed in the outer peripheral edge **12A**.

5. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser-Marsilio as applied to claim 8 above, and further in view of Flores, Jr. et al (US 2003/0015443 A1; previously provided; hereinafter Flores).

Claim 9: Fraser-Marsilio discloses the claimed invention except for the outer peripheral edge having a cut-off portion and fall-off prevention pawl.

Flores discloses a cut-off portion (see Figure 6) and fall-off prevention pawl 140 used to secure the disk in the storage area (see paragraph [0054]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the case of Fraser-Marsilio with a cut-off portion and fall-off prevention pawl as taught by Flores in order to secure the disk in the storage area.

Claim 14: Fraser discloses at least one notch (gaps between portions **12A**) formed in the outer peripheral edge **12A**.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 8, 9, and 12-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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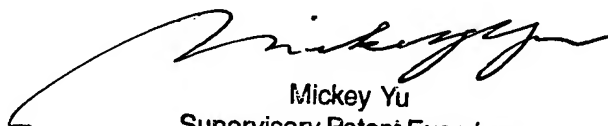
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pickett whose telephone number is 571-272-4560. The examiner can normally be reached on Mon-Fri, 11:30 AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Greg Pickett  
Examiner  
8 June 2006

  
Mickey Yu  
Supervisory Patent Examiner  
Group 3700